

Report Date: October 25, 2018

## United States District Court

for the

## Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

OCT 29 2018

SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender:	Michael Thomas Van Dyke	Case Number:	0980 2:15CR00025-JLQ-1
Address of Offender:	Moses Lake, Washington 98837		
Name of Sentencing Judicial Officer:	The Honorable Justin L. Quackenbush, Senior U.S. District Judge		
Date of Original Sentence:	September 28, 2015		
Original Offense:	Travel With Intent to Engage in Illicit Sexual Conduct, 18 U.S.C. § 2423(b)		
Original Sentence:	Prison - 36 months; TSR - 120 months	Type of Supervision:	Supervised Release
Asst. U.S. Attorney:	James Goeke	Date Supervision Commenced:	June 2, 2018
Defense Attorney:	Matthew Campbell	Date Supervision Expires:	June 1, 2028

## PETITIONING THE COURT

To incorporate the violation contained in this petition in future proceedings with the violations previously reported to the Court on 10/03/2018.

The probation officer believes that the offender has violated the following condition of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
3	<p><b><u>Special Condition # 21:</u></b> You shall be prohibited from possessing or manufacturing any material, including videos, magazines, photographs, computer-generated depictions, or any other media that depict sexually explicit conduct involving children or adults, as defined at 18 U.S.C. § 2256(2). You shall not enter any establishment involved in the sex industry, including but not limited to adult bookstores, massage parlors, and strip clubs. You shall not utilize any sex-related adult telephone numbers. The supervising officer is authorized to monitor compliance in this area by obtaining relative records including but not limited to telephone, Internet, credit cards and bank statements.</p> <p><b><u>Supporting Evidence:</u></b> On or prior to October 3, 2018, the offender violated the conditions of his supervision by possessing pornography.</p> <p>On June 6 and July 6, 2018, Mr. Van Dyke signed a copy of the judgment issued in this case acknowledging that he understood the conditions imposed and had received a copy of the conditions.</p> <p>On October 3, 2018, a violation report was submitted to the Court after a search was conducted at the offender's residence and he was found to be in possession of a computer.</p>

The offender made an appearance before the Court on October 17, 2018, and the matter was continued to October 30, 2018, to allow a forensic review of the computer content.

On October 22, 2018, a Case Synopsis was provided by Detective Robert Benson with the Richland Police Department after he completed the forensic review on the computer. Detective Benson stated he initially found "the device to be locked and encrypted" and requested assistance to obtain the password. Once the password was obtained and the computer was accessed, he was able to locate an account labeled, "Michael Van Dyke." Detective Benson examined the data within the account, "such as Browsing history, Autoruns, Installed Applications, Jump List Files, Perfetech, Shortcut files, recent files and recent programs." He also noted that he reviewed pictures which were recovered. Detective Benson went on to say, "I found the device to be used to access porn sites, and to have 'sex chats' via Skype. Although I found a substantial amount of Adult pornography and a handful of images that were difficult to determine the age, I did not find any Known Child Pornography, or images of Pre-Pubescent persons."

Detective Benson advised he only completed a basic forensic search due to the limited amount of time before the offender's next Court appearance. To complete a full forensic review, a period of up to 6 months would be required due to the backlog of cases currently under investigation. Detective Benson did state, "I also found several suspicious URL's." The listed URL's were concerning to him but there was not ample time to investigate further. Detective Benson listed seven URL's within his report, which were of concern. The URL's contain verbiage such as, "young-girl-flashing-on-cam," "mom-and-boy," "categories/old-young/4," and "paris-and-her-taboo-ales-daddy-daughter-good-morning."

The U.S. Probation Office respectfully recommends the Court to incorporate the violation contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 25, 2018

s/David L. McCary

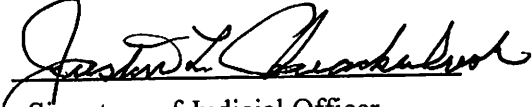
David L. McCary  
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other

  
Signature of Judicial Officer

10/29/2018  
Date